

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

AUG 08 2013

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STEVEN O'NEAL HAIRSTON,) CASE NO. 7:13CV00328

Petitioner,)

v.)

WARDEN, FCI MORGANTOWN,) By: James C. Turk
Respondent.) Senior United States District Judge

Steven O'Neal Hairston, a federal inmate proceeding without counsel, has filed a motion that he styles as a "PET[IT]ION FOR WRIT OF HABEAS CORPUS," which the court docketed as a petition for a writ of habeas corpus under 28 U.S.C. § 2241. Upon review of the record, the court finds that this petition must be dismissed without prejudice.

Hairston is incarcerated in a federal prison in Kentucky. Ordinarily, a § 2241 petition must be filed in the United States District Court where the defendant is confined. In re Jones, 226 F.3d 328, 332 (4th Cir. 2000). In his petition, however, Hairston appeared to be challenging the validity of the judgment entered by this court, convicting and sentencing the defendant on a federal criminal offense. See United States v. Hairston, Case No. 7:11CR00082. By order entered July 25, 2013, the court construed Hairston's submission as a motion to vacate, set aside or correct sentence under 28 U.S.C. § 2255, and granted Hairston 10 days to object to this construction or to submit a § 2255 motion stating his claims and discussing their timeliness under § 2255(f). In response to the court's order, Hairston has now submitted a § 2255 motion, which has been docketed in the criminal proceeding, Case No. 7:11CR00082. As all further action on Hairston's claims will occur in that case, this action under § 2241 will be dismissed without prejudice. An appropriate order will issue this day.

The Clerk is directed to send copies of this memorandum opinion and accompanying order to petitioner.

ENTER: This 8th day of August, 2013.



Senior United States District Judge